REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed August 13, 2004. Applicants believe all pending claims are allowable over the references cited by the Examiner, and accordingly, Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections—35 U.S.C. § 102

The Examiner rejects Claims 1-8, 10-19, 21-23, 25-29, 31-39, 41-49, 51-57, and 59 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,747,995 issued to Brown et al. (*Brown*). Applicants believes the claims, as amended, are allowable over the cited reference.

Independent Claim 1

Independent Claim 1, as amended, recites:

> A communications device, comprising:
> a backplane;
> a plurality of backplane cards coupled to the backplane, each backplane card assigned a Media Access Control (MAC) address; and
> a backplane switch coupled to the backplane and operable to receive a first data packet with a first MAC address assigned to a backplane card and to communicate the first data packet to the backplane card assigned the first MAC address using the backplane;
> wherein at least one backplane card is a gateway card coupled to a telephone network, the gateway card operable to receive from the telephone network a request to establish a telephone call with an external network device, to identify an Internet Protocol (IP) address associated with the network device, to process data from the telephone call into digital data packets, to associate the data packets with the identified IP address, and to communicate the data packets to the external network device using the backplane switch.

Brown does not disclose, teach, or suggest a communications device including a backplane switch as recited in Claim 1, "wherein at least one backplane card is a gateway card coupled to a telephone network, the gateway card operable to receive from the telephone network a request to establish a telephone call with an external network device, to identify an Internet Protocol (IP) address associated with the network device, to process data from the

telephone call into digital data packets, to associate the data packets with the identified IP address, and to communicate the data packets to the external network device using the backplane switch." *Brown* describes a voice processor card 204 which "extracts the PST network timing reference signal and distributes it to line cards 200 over connections 203." (Col. 7, ll. 17-18). *Brown*, however, does not indicate that the voice processor card 204 is operable "to identify an Internet Protocol (IP) address associated with the network device, to process data from the telephone call into digital data packets, to associate the data packets with the identified IP address, and to communicate the data packets to the external network device using the backplane switch," as recited in Claim 1.

The Examiner cites the description of a line card 200 at column 10, lines 17-21 as providing a disclosure of these operations. (Office Action at p. 3). *Brown*, however, does indicate that the line card 200 is "operable to receive from the telephone network a request to establish a telephone call with an external network device, to identify an Internet Protocol (IP) address associated with the network device, to process data from the telephone call into digital data packets, to associate the data packets with the identified IP address, and to communicate the data packets to the external network device using the backplane switch," as recited in Claim 1. According to *Brown*, the line cards 200 use digital line code as opposed to IP or Ethernet packets to communicate voice information over the subscriber loop 102: "Ethernet voice packets have their <u>Ethernet envelopes removed</u>, and the voice packets are also transmitted on the appropriate subscriber loop 102 via a connection 103 <u>using the digital line code</u>." (Col. 7, ll. 54-56) (emphasis added). *Brown* describes the digital line codes used to transmit the voice information:

> A technique that uses FDM is Digital Added Main Line (DAML). At the CO, a DAML modem is presented with two or more subscriber loop analog voice signals. These analog voice signals are converted by the modem to a digital line code format and transmitted over a single subscriber loop to another DAML modem located at or near the customer premise. The customer premise DAML modem decodes the line and presents the subscriber with two or more two-wire connections corresponding to the subscriber loop connections to the DAML modem at the CO. The digital line codes can take a number of forms, the most common of which are Amplitude, Phase and Frequency Shift Keying, 2-Binary-1-Quaternary, Carrierless

Amplitude Phase Modulation, and Quadrature Amplitude Phase Modulation.

(Col. 1, l. 66 - col. 2, 12). *Brown* distinguishes these digital line codes from Voice over IP (VOIP). (Co. 2, ll. 25-29).

For at least these reasons, independent Claim 1 is patentable over *Brown*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 1, together with those claims that depend from Claim 1.

Independent Claim 12

Independent Claim 12, as amended, recites:

> A method of communicating data packets using a communications device including a backplane coupled to a backplane switch and a plurality of backplane cards, the method comprising:
>
> receiving, at the backplane switch coupled to the backplane, a first data packet with a first Media Access Control (MAC) address assigned to one of the backplane cards coupled to the backplane;
>
> communicating the first data packet from the backplane switch to the backplane card assigned the first MAC address using the backplane;
>
> receiving from a telephone network a request to establish a telephone call with an external network device;
>
> identifying an Internet Protocol (IP) address associated with the external network device;
>
> processing data from the telephone call into digital data packets;
>
> associating the data packets with the identified IP address; and
>
> communicating the data packets to the external network device using the backplane switch.

Brown does not disclose, teach, or suggest "receiving from a telephone network a request to establish a telephone call with an external network device; identifying an Internet Protocol (IP) address associated with the external network device; processing data from the telephone call into digital data packets; associating the data packets with the identified IP address; and communicating the data packets to the external network device using the backplane switch," as recited in Claim 12. As discussed above with reference to Claim 1,

Brown does not describe the voice processor card 204 and line cards 200 as performing these operations. For at least these reasons, independent Claim 12 is patentable over *Brown*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 12, together with those claims that depend from Claim 12.

Independent Claim 23

Independent Claim 23, as amended, recites:

> A backplane card assigned a first Media Access Control (MAC) address and coupled to a backplane within a communications device, the card comprising:
> an internal interface coupled to a backplane bus;
> an external port coupled to a telephone network, the external port operable to receive from the telephone network a request to establish a telephone call with a network device external to the communications device; and
> a communication module operable to receive a first data packet from the backplane bus using the internal interface if the first data packet's destination address corresponds to the first MAC address, the communication module further operable to communicate a second data packet to another backplane card by associating the second data packet with a second MAC address assigned to the other backplane card and communicating the second data packet to the backplane bus using the internal interface, wherein the communication module is further operable to identify an Internet Protocol (IP) address associated with the external network device, to process data from the telephone call into digital data packets, and to communicate the data packets to the external network device using the backplane bus.

Brown does not disclose, teach, or suggest "an external port coupled to a telephone network, the external port operable to receive from the telephone network a request to establish a telephone call with a network device external to the communications device" and a communication module "further operable to identify an Internet Protocol (IP) address associated with the external network device, to process data from the telephone call into digital data packets, and to communicate the data packets to the external network device using the backplane bus," as recited in Claim 22. As discussed above with reference to Claim 1, *Brown* does not describe the voice processor card 204 and line cards 200 as performing these operations. For at least these reasons, independent Claim 23 is patentable over *Brown*.

Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 23, together with those claims that depend from Claim 23.

Independent Claim 33

Independent Claim 33, as amended, recites:

> A communications device, comprising:
> a backplane;
> a plurality of backplane cards coupled to the backplane; and
> a backplane switch coupled to the backplane, the backplane switch operable to receive a first data packet with a first network address assigned to an external network device and a second data packet with a second network address assigned to one of the backplane cards, the backplane switch further operable to use a network protocol associated with the first and second network addresses to communicate the first data packet to the external network device assigned the first network address and to communicate the second data packet to the backplane card assigned the second network address, wherein the backplane switch communicates the second data packet to the backplane card using the backplane; wherein at least one backplane card is a gateway card coupled to a data network, the gateway card operable to receive data packets associated with an Internet Protocol (IP) address and to communicate the data packets to an external network device assigned the associated IP address using the backplane switch.

Brown does not disclose, teach, or suggest a communications device including a backplane switch as recited in Claim 33, "wherein at least one backplane card is a gateway card coupled to a data network, the gateway card operable to receive data packets associated with an Internet Protocol (IP) address and to communicate the data packets to an external network device assigned the associated IP address using the backplane switch." As discussed above with reference to Claim 1, *Brown* does not describe the voice processor card 204 and line cards 200 as performing these operations. For at least these reasons, independent Claim 33 is patentable over *Brown*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 33, together with those claims that depend from Claim 33.

Independent Claim 43

Independent Claim 43, as amended, recites:

A method of communicating data using a communications device, the communications device including a backplane coupled to a backplane switch and a plurality of backplane cards, the backplane switch coupled to at least one network device external to the communications device, the method comprising:

receiving, at the backplane switch, a first data packet with a first network address assigned to the external network device and a second data packet with a second network address assigned to one of the backplane boards;

using a network protocol associated with the first and second network addresses to communicate the first data packet from the backplane switch to the external network device if assigned the first network address and to communicate the second data packet from the backplane switch to the backplane card assigned the second network address using the backplane;

receiving from a telephone network a request to establish a telephone call with the external network device;

identifying an Internet Protocol (IP) address associated with the external network device;

processing data from the telephone call into digital data packets;

associating the data packets with the identified IP address;

communicating the data packets from a backplane card to the backplane switch; and

communicating the data packets to the external network device using the backplane switch.

Brown does not disclose, teach, or suggest "receiving from a telephone network a request to establish a telephone call with the external network device; identifying an Internet Protocol (IP) address associated with the external network device; processing data from the telephone call into digital data packets; associating the data packets with the identified IP address; communicating the data packets from a backplane card to the backplane switch; and communicating the data packets to the external network device using the backplane switch," as recited in Claim 43. As discussed above with reference to Claim 1, *Brown* does not describe the voice processor card 204 and line cards 200 as performing these operations. For at least these reasons, independent Claim 43 is patentable over *Brown*. Accordingly,

Applicants respectfully request reconsideration and the allowance of Claim 43, together with those claims that depend from Claim 43.

Independent Claim 53

Independent Claim 53, as amended, recites:

> A backplane switch coupled to a backplane of a communications device, the communications device having a plurality of backplane cards coupled to the backplane, the backplane switch comprising:
>
> a plurality of internal ports, each internal port associated with a backplane card and operable to communicate with the associated backplane card using the backplane;
>
> at least one external port associated with a network device external to the communications device and operable to communicate with the external network device; and
>
> a processing module coupled to the internal ports and the external port, the processing module operable to receive a first data packet with a first network address assigned to the network device, to identify the external port associated with the network device, and to communicate the first data packet to the external port for communication to the network device using a network protocol, the processing module further operable to receive a second data packet with a second network address assigned to a backplane card, to identify one of the internal ports associated with the backplane card, and to communicate the second data packet to the identified internal port for communication to the backplane card using the network protocol;
>
> wherein the backplane card is a gateway card coupled to a data network, the gateway card operable to receive data packets associated with an Internet Protocol (IP) address and to communicate the data packets to an external network device assigned the associated IP address using the backplane switch.

Brown does not disclose, teach, or suggest the backplane switch as recited in Claim 53, including "a processing module coupled to the internal ports and the external port, the processing module operable to receive a first data packet with a first network address assigned to the network device, to identify the external port associated with the network device, and to communicate the first data packet to the external port for communication to the network device using a network protocol, the processing module further operable to receive a second data packet with a second network address assigned to a backplane card, to identify

one of the internal ports associated with the backplane card, and to communicate the second data packet to the identified internal port for communication to the backplane card using the network protocol; wherein the backplane card is a gateway card coupled to a data network, the gateway card operable to receive data packets associated with an Internet Protocol (IP) address and to communicate the data packets to an external network device assigned the associated IP address using the backplane switch." As discussed above with reference to Claim 1, the voice processor card 204 and line cards 200 in *Brown* are not a "gateway card operable to receive data packets associated with an Internet Protocol (IP) address and to communicate the data packets to an external network device assigned the associated IP address using the backplane switch." For at least these reasons, independent Claim 53 is patentable over *Brown*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 53, together with those claims that depend from Claim 53.

Claim Rejections—35 U.S.C. § 103

The Examiner rejects Claims 9, 20, 30, 40, 50, and 58 under 35 U.S.C. § 103(a) as being unpatentable over *Brown*, in view of U.S. Patent 6,577,628 issued to Hejza ("*Hejza*"). Because *Hejza* does not disclose, teach, or suggest the limitations discussed above with respect to the independent claims, dependent Claims 9, 20, 30, 40, 50, and 58 are patentable over the Examiner's proposed combination for the same reasons discussed above with respect to the independent claims. Accordingly, Applicants respectfully request reconsideration and the allowance of Claims 9, 20, 30, 40, 50, and 58.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. In light of the Remarks set forth above, Applicants respectfully request further examination and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, Applicants invite the Examiner to contact the undersigned attorney at the Examiner's convenience at (214) 953-6791.

Applicants have enclosed a check for $130.00 for filing a one-month extension of time. Applicants believe no other fees are due; however, the Commissioner is hereby authorized to charge any other fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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